

IN RE: PETITION FOR ZONING VARIANCE
SE/Corner Parker Road and
Benson Avenue
(1407 Parker Road)
13th Election District
1st Councilmanic District
Pitts Realty
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Sections 255.1 and 258.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 22 feet in lieu of the required 30 feet for proposed improvements in accordance with Petitioner's Exhibit 1.

The Petitioner, by Jay Rubino, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1407 Parker Road, consists of 5.18 acres, more or less, zoned M.L.-1.M., and is improved with a one-story brick warehouse. Petitioner has entered into a contract to lease the subject building to the David Edward Company, a furniture manufacturer. Testimony indicated that the use proposed requires compliance with certain Occupational Safety and Health Administration air quality guidelines, including the installation of a freestanding dust collection tower and motor unit in the location shown on Petitioner's Exhibit 1. Petitioner testified the roof of the existing building will not support the weight of the proposed dust collection system and that due to the size of the lot and the location of existing improvements thereon, the variance requested is necessary. Testimony indicated the Petitioner has discussed its plans with the adjoining property owners who have no objections to the requested variance. Further testimony indicated the relief

requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22 day of December, 1991 that the Petition for Zoning Variance from Sections 255.1 and 258.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 22 feet in lieu of the required 30 feet for proposed improvements, in accordance with

ORDER RECEIVED FOR FILING
Date 12/31/91
By [Signature]

- 2 -

Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for any permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/31/91
By [Signature]

- 3 -

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 3, 1991

Mr. David Pitts, President
Pitts Realty
1407 Parker Road
Baltimore, Maryland 21227

RE: PETITION FOR ZONING VARIANCE
SE/Corner Parker Road and Benson Avenue
(1407 Parker Road)
13th Election District - 1st Councilmanic District
Pitts Realty - Petitioner
Case No. 92-185-A

Dear Mr. Pitts:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Jay Rubino
c/o The David Edward Company
1407 Parker Road, Baltimore, Md. 21227

People's Counsel

File



Petition for Variance

92-185-A

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 255.1 - to allow a side yard setback of 22 feet in lieu of the required 30 feet for dust collection system.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
The Federal Law requires a certain level of particulate matter forebreathable air quality in the furniture factory. A free standing dust collection tower and motor unit needs to be installed adjacent to the existing building, which has a setback of only 30 feet.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

The David Edward Co. Ltd.

(Type or Print Name)

By David Pitts, President

Signature

3501 Marmenco Court

Address

Baltimore, MD, 21230

City and State

Attorney for Petitioner:

Self-Represented

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Pitts Realty

(Type or Print Name)

By David Pitts, President

Signature

1407 Parker Rd

Address

Baltimore, MD, 21227

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Pitts Realty, Attn: David Pitts

Name

3501 Marmenco Ct. 301-789-0700

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/22/92

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL 1/6 OTHER

THE DAVID EDWARD COMPANY LTD.
BOUNDARY DESCRIPTION
As Recorded on the Plat Entitled
"Misty Harbor"
55/52

- 0.649 Acre Parcel: P.O.B. = S 14,332.79 W 19,288.86 -

- 1) N 43 32' 25" W 112.50'
- 2) N 48 27' 35" E 257.90'
- 3) S 45 20' 05" E 105.04'
- 4) S 44 47' 35" W 201.39'

- 3.774 Acre Parcel: P.O.B. = S 14,388.29 W 19,322.11

- 1) S 44 47' 35" W 350.15'
- 2) N 43 32' 25" W 50.00'
- 3) N 48 02' 02" E 19.00'
- 4) N 43 32' 25" W 399.23'
- 5) S 46 27' 35" W 19.00'
- 6) N 43 32' 25" W 39.07'
- 7) N 48 27' 35" E 350.00'
- 8) S 43 32' 25" E 408.26'

92-185-A

Jeffery M. Mandt
9-26-91

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: November 8, 1991
Posted for: Variance
Petitioner: Pitts Realty
Location of property: SE/Corner Parker Road, S.W. Benson Avenue
1407 Parker Road
Location of Sign: S.W. of Parker Road in front of subject property
Remarks: _____
Posted by: S.J. Brato Date of return: November 15, 1991
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11/7 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/7 1991

THE JEFFERSONIAN,

Publisher

S. Zeke Orlov
\$60.78

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/7 1991

ARBUS TIMES

S. Zeke Orlov
Publisher

\$60.78

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Receipt

Date

Account: R 0016150
Number

92-185-A

Please Make Check/Payable to Baltimore County \$85.78
BA 001037AM11-27-91



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: _____

The David-Edwards Co., Ltd.
201 Krummen Court
Baltimore, Maryland 21204

RE:
CASE NUMBER: 92-185-A
S/S Parker Road, SAC Benson Avenue
1407 Parker Road
11th Election District - 1st Councilmanic
Legal Owner(s): Pitts Realty
Contract Purchaser(s): The David-Edwards Company, Limited
HEARING: MONDAY, NOVEMBER 25, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ _____ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

OCTOBER 28, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-185-A
S/S Parker Road, SAC Benson Avenue
1407 Parker Road
11th Election District - 1st Councilmanic
Legal Owner(s): Pitts Realty
Contract Purchaser(s): The David-Edwards Company, Limited
HEARING: MONDAY, NOVEMBER 25, 1991 at 2:00 p.m.

Variance to allow a side yard setback of 22 feet in lieu of the required 30 feet for dust collection system.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Pitts Realty
The David-Edwards Co. Ltd.



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 12, 1991

Mr. David Edward
Pitts Realty
1407 Parker Road
Baltimore, MD 21227

RE: Item No. 193, Case No. 92-185-A
Petitioner: Pitts Realty, et ux
Petition for Variance

Dear Mr. Edward:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
16th day of October, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Pitts Realty
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 4, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Bertoldi Property, Item No. 172
Koss Property, Item No. 192
Pitts Property, Item No. 193
Weimer Property, Item No. 196
Frey Property, Item No. 197
Goodwin Property, Item No. 198
Pettit Property, Item No. 199
McQuain Property, Item No. 200
Osment Property, Item No. 201
Shapiro Property, Item No. 203
Chaney Property, Item No. 204
Colleran Property, Item No. 207
Fisher Property, Item No. 208
Wilson Property, Item No. 211

In reference to the petitioners' request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITMS172/TXTROZ



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 29, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: THE DAVID EDWARD COMPANY, LIMITED

Location: #1407 PARKER ROAD

Item No.: 193 Zoning Agenda: OCTOBER 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: October 29, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 29, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 172, 190, 192, 193, 194, 195, 196, 197, 198, 199, 200 and 202.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

DATE: November 19, 1961

cc: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rakesh J. Samli
SUBJECT: N.A.C. Comments

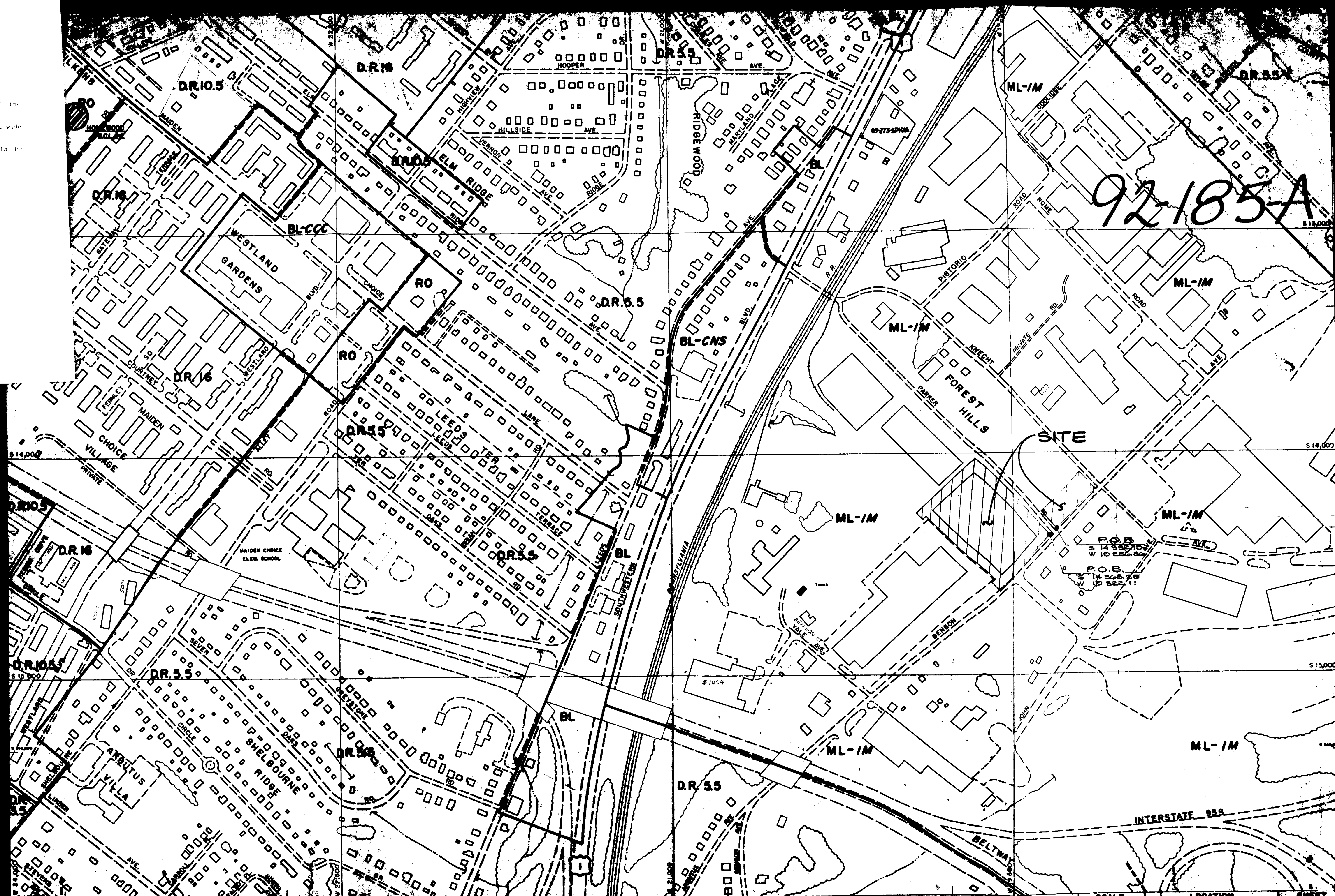
3. A.C. MEETING DATE: October 19, 1991

ITEM NUMBER: 193

- b) The proposed "angled" parking spaces along the eastern side of the existing warehouse should be changed to "parallel" parking spaces.
- c) The existing 17 ft. access off Parker Road should be 24 ft. wide minimum.
- d) The existing access to the parking lot off Knecht Avenue should be the intersection as possible.

Rahoe & Family
Rahoe J. Family
Traffic Engineer II

835/1vd



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE
1" = 200' ±

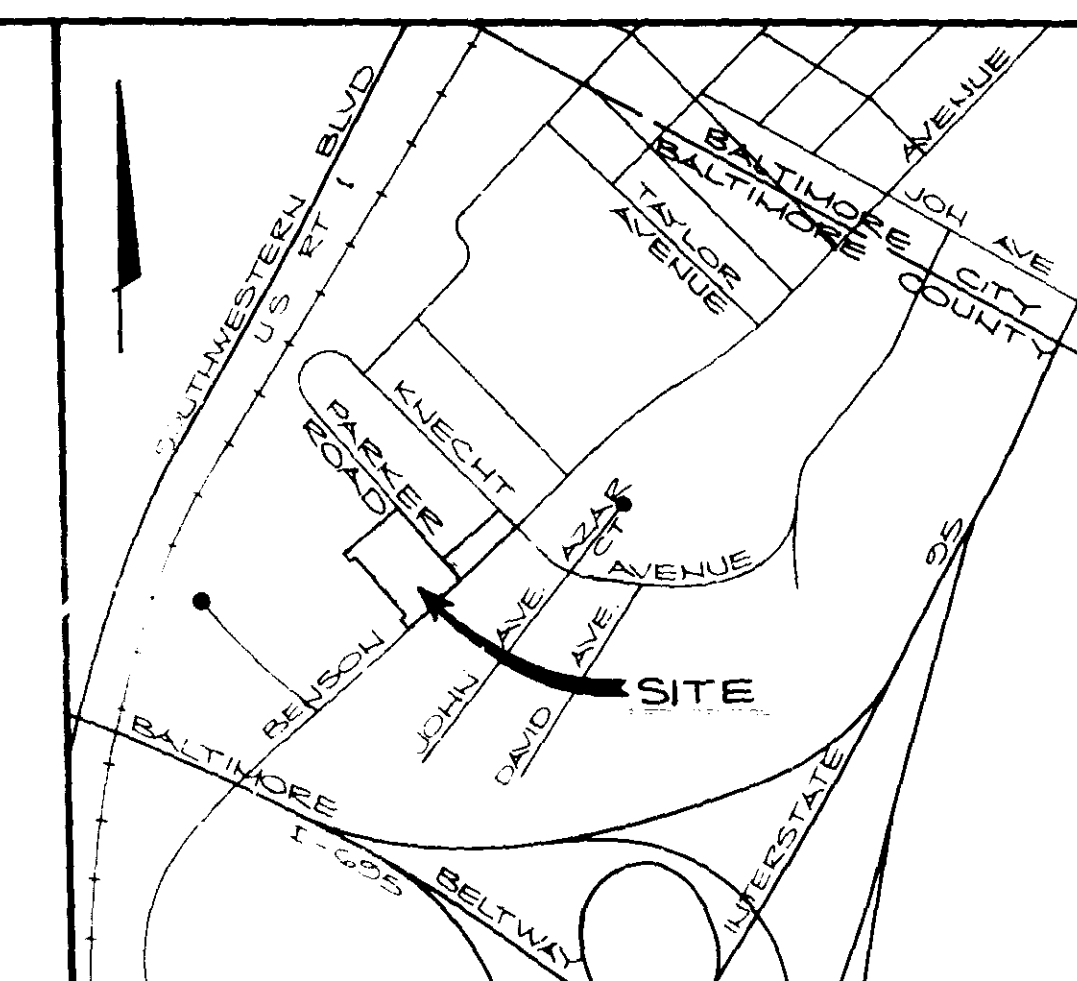
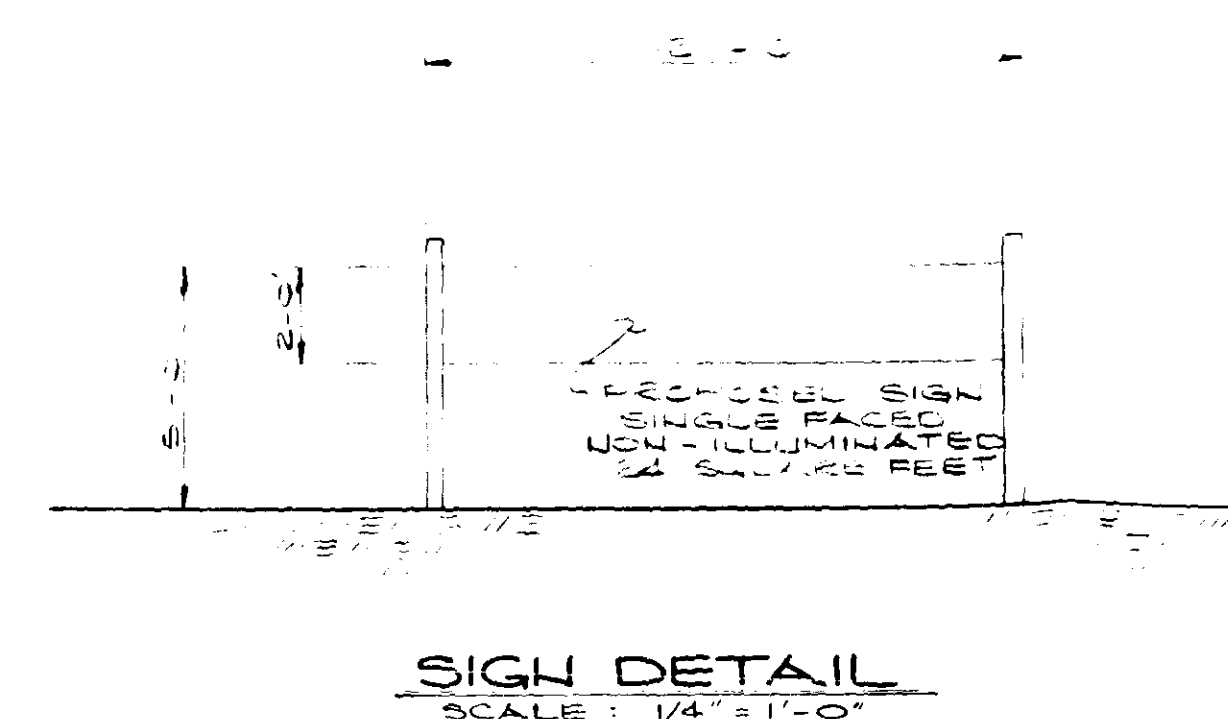
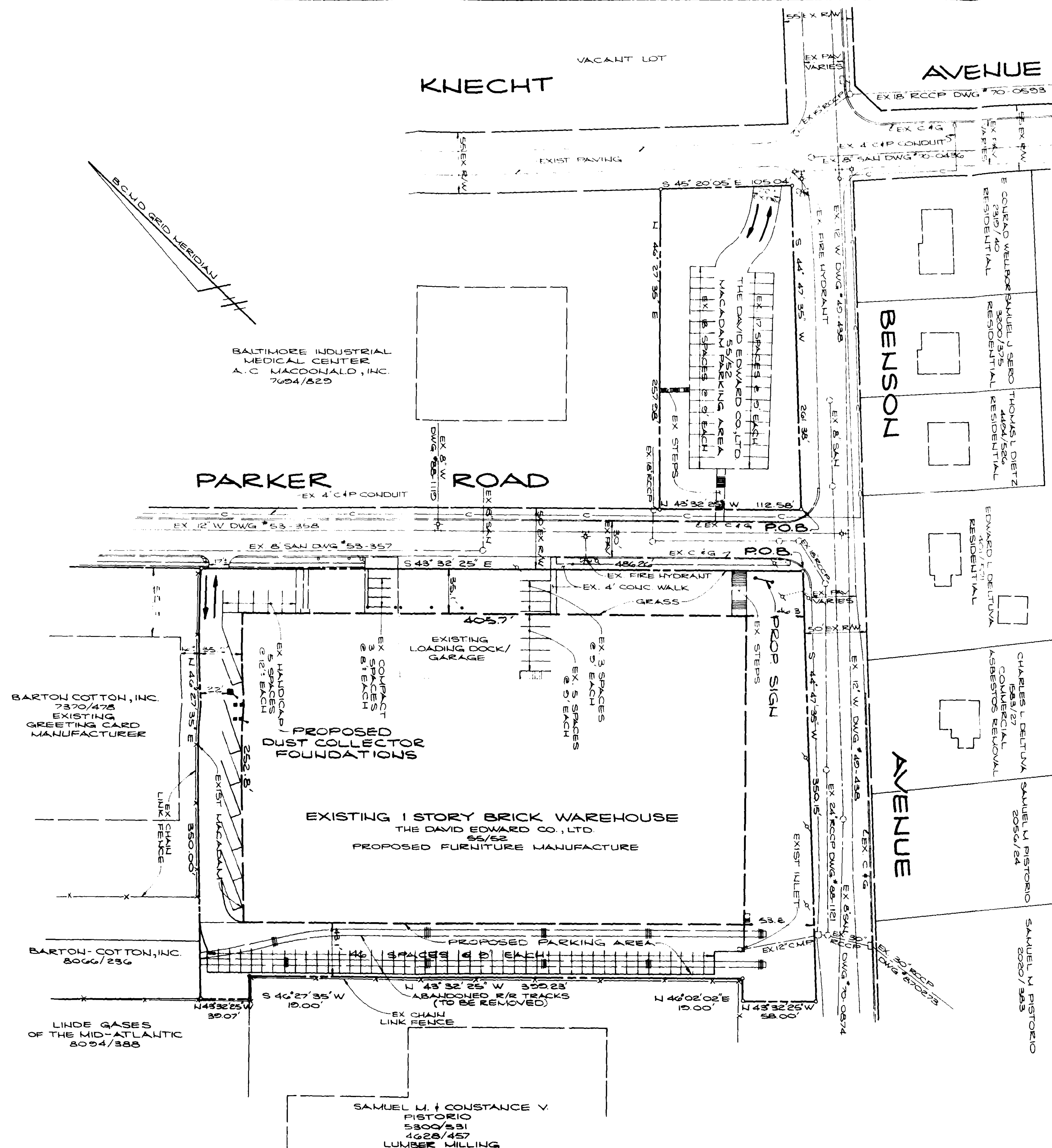
DATE
OF
PHOTOGRAPHY
JANUARY
1966

LOCATION
ABUTUS
COMMENTO

SINGLE

S.W.

19



GENERAL NOTES

1. ADDRESS: 1457 PARKER ROAD, BALTIMORE, MD.
2. AREA: 2.17 ACRES; 180,000 SQ. FT. (APPROX.)
3. 15.75 ACRES DISTRICT
4. 1ST DISTRICT
5. 15.75 ACRES
6. TAX ACCOUNT NUMBER: 22-000000
7. PERMIT NUMBER: 80000000
SPRINKLER CONSTRUCTION 80000000
SPRINKLER CONSTRUCTION 80000000
INTERIOR ALTERATIONS 80000000
STORAGE VEHICLES 80000000
DUST TOWER FOOTINGS 80000000
8. ALL STRUCTURES AND USES WITHIN 500' OF THE SUBJECT PROPERTY ARE SHOWN.
9. FLOOR AREA RATIO:
ALLOWED: 2.0
PROVIDED: 100,000 SF / 42,500 SF = 2.35
10. AVENUE OPEN SPACE: N/A
11. PARKING:
REQUIRED: 3 SPACES/1000 SF OF OFFICE SPACE (3000 SF) = 9 SPACES
AND 1 SPACE/EMPLOYEE = 82
TOTAL REQ'D SPACES = 82
PROVIDED: 104 SPACES
12. NO PRIOR HEARINGS

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL FACILITIES SHOWN ON THIS PUBLIC HEARING PLAN COMPLY WITH ALL REQUIREMENTS AS SET FORTH BY BALTIMORE COUNTY AND ARE IN CONFORMANCE WITH ACCEPTED ENGINEERING PRACTICE.

Samuel M. Pistorio
9-27-91

STATE OF MARYLAND
PROFESSIONAL ENGINEER

PETITIONER'S EXHIBIT 1

PLAN TO ACCOMPANY VARIANCE HEARING FOR
THE DAVID - EDWARD COMPANY LTD.

OWNER/DEVELOPER
THE DAVID-EDWARD COMPANY LTD.
3501 MARMENCO COURT
BALTIMORE, MARYLAND 21230
PHONE: (410) 242-2222

SCALE: 1" = 50' DATE: 8-27-91

92-185-A